



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Simas, Alexander F., of Kirk & Simas, Santa Maria (for Petitioner Daniel J. Guterrez, Administrator)

**Petition to Terminate Proceedings and Discharge Administrator**

<b>DOD: 7/11/2001</b>		<p><b>DANIEL J. GUTERREZ</b>, father and Administrator appointed with Full IAEA and without bond on 12/4/2001, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <i>Petition for Probate</i> was filed on 10/3/2001; Petitioner was appointed as Administrator of the Estate by order entered 12/4/2001, and Letters issued;</li> <li>At that time, Petitioner was represented by <b>JAMES F. RIGALI</b> from the Santa Maria law firm of Kirk &amp; Simas and the firm's offices were located at 2415 Professional Parkway; on 1/30/2003, Mr. Rigali's office moved to 2550 Professional Parkway, but it appears he failed to file a change of address with the Court;</li> <li>On the <i>Petition for Probate</i>, Petitioner estimated the Estate as containing ~\$500,000.00 of personal property; the estimate was based on a planned wrongful death action related to the Decedent's death;</li> <li>Mr. Rigali erroneously thought that the Decedent's estate was a necessary party in the wrongful death action and the estimate was premised on a hoped-for settlement or judgment for the Estate in the wrongful death action;</li> <li>The Decedent had no other property subject to probate;</li> <li>On 11/19/2003, Petitioner filed a <i>Petition for Authorization to Dismiss Survivor Action</i>; the subject "Survivor Action" was the wrongful death claim arising out of the Decedent's death; at that time, it had been determined that the wrongful death claim brought on the Estate's behalf should be dismissed, as the Estate suffered no damages pursuant to CCP § 377.34; the claims actually resided with the Decedent's individual family members;</li> <li>On 1/29/2004, the <i>Petition for Authorization to Dismiss Survivor Action</i> was denied; I am advised that the hearing judge suggested that the estate simply dismiss the underlying personal injury case; thereafter, the wrongful death claim was settled by the parties actually holding the claims;</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			W/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			120401
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
✓	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 1/13/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 – Guterrez</b></p>		

**Petitioner states, continued:**

- As more particularly set forth in the attached *Declaration of Alexander F. Simas*, it appears that following the 1/29/2004 denial of the *Petition for Authorization to Dismiss Survivor Action*, Mr. Rigali closed his probate file, sending it to an off-site storage facility; he apparently thought nothing further needed to be done;
- Shortly thereafter, he was elected as a judge of the Santa Barbara County Superior Court and left the firm; no one remaining in the firm had any knowledge that this matter had been left unresolved;
- The following claims [totaling **\$15,275.06**] have been properly filed with the Court and served on the Estate; none of them have been paid as the Estate has no assets; there has been no contact with any of the creditors since March 2003:
  - Discover Financial for **\$7,767.00**;
  - American Express for **\$348.38**;
  - Citibank (South Dakota) NA for **\$7,159.68**.
- Petitioner has diligently searched for all assets of Decedent but has failed to discover any property of any kind belonging to the Estate that is subject to administration;
- All costs, expenses, and premiums on surety bonds incurred in the administration of the Estate have been paid with funds provided by the Petitioner outside the Estate.

**Petitioner prays for an Order:**

- 1. Terminating further proceedings for the Estate's administration; and**
- 2. Discharging Petitioner as the Estate's Administrator.**

<b>DOD: 01/19/2009</b>		<b>MARLIN L. HECKMAN</b> , son/named executor without bond is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: Melvin R. Heckman was appointed Executor on 05/05/2009. Letters were issued on 05/05/2009. Order for Final Distribution signed on 01/04/2010. Melvin R. Heckman died on 10/05/2012.</b>  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• <b>Friday, 06/13/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 03/13/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
		Full IAEA – o.k.	
		Will dated: 09/18/1974	
		Original Will admitted 05/05/2009	
<b>Cont. from</b>		Unsigned Supplemental Inventory & Appraisal filed 04/04/2013 showing real property in the amount of \$100,000.00.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>	w/	
✓	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

**Estimated value of the Estate:****Real Property - \$100,000.00**

Probate Referee: Rick Smith

**Petitioner states** after the close of the probate administration in this case with the decedent's son Melvin R. Heckman, as Executor, who acted because he lived nearest this court, there was discovered a partial interest in real property in the decedent's name.

There was no omnibus clause in the prior order of distribution entered 01/04/2010.

**NEEDS/PROBLEMS/COMMENTS:**

- **Friday, 06/13/2014 at 9:00a.m.**

- in **Dept. 303** for the filing of the inventory and appraisal and

- **Friday, 03/13/2015 at 9:00a.m.**

- in **Dept. 303** for the filing of the first account and final distribution.

**Reviewed by:** LV**Reviewed on:** 01/13/2014**Updates:****Recommendation:** Submitted**File 6 – Heckman**

**(1) Petition for Final Distribution on Waiver of Accounting; and (2) for Allowance of Compensation for Statutory Attorney Fees and Extraordinary Attorney Fees**

<b>DOD: 7-17-12</b>		<b>KATHRYN LOPEZ</b> , Administrator with Limited IAEA with bond of \$150,000.00, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 121113</b>		Accounting is waived.	<p>1. <b><u>Prior notes stated:</u></b> Local Rule 7.16 authorizes a flat fee of \$1,000.00 without the need to itemize time in connection with court-confirmed sales of real property.</p> <p>Attorney Mechill's declaration in support of extraordinary attorney fees includes <u>both</u> the \$1,000 flat fee for sale of the real property, which appears to include time spent connection with the actual confirmation transaction pursuant to local rule, <u>but also includes</u> an itemized list of additional services in connection with the sale, including negotiation of the listing agreement, etc., that are billed hourly totaling \$2,400.00.</p> <p>The local rule is designed to cover all extraordinary services in connection with sale of real property that is confirmed by the Court, including services leading up to the actual confirmation, without itemization. As such, \$1,000.00 is allowable without <u>any</u> itemization. Alternatively, itemization is required for all services. The Court may require further itemization for Attorney Mechill's extraordinary fee request.</p> <p><b><u>Update:</u></b> Attorney Mechill's Declaration filed 12-11-13 includes itemization indicating that the additional time expended for which the flat fee of \$1,000.00 was requested actually totals \$3,240.00; however, due to the small size of the estate he was concerned about billing this amount. See itemization.</p> <p>2. The revised order still does not specify monetary distributions to each heir per Local Rule 7.6.1.A. The Court may interlineate, or may require revised order.</p>
	<b>Aff.Sub.Wit.</b>	I&A: \$99,725.00	
✓	<b>Verified</b>	POH: <u>Approx</u> \$70,100.00 cash plus two guns	
✓	<b>Inventory</b>		
✓	<b>PTC</b>	Administrator (Statutory and Extraordinary): Waived	
✓	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	Attorney (Statutory): \$3,990.00 (\$1,995.00 each to Attorneys Hamilton Skinner and Mechill	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>	Attorney Hamilton Skinner (Extraordinary): \$1,008.00 (pursuant to declaration, for 4.2 attorney hours @ \$240/hr for legal research and services, etc., in connection with release of the obligation)	
✓	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>	Attorney Mechill (Extraordinary): \$5,680.00 (pursuant to declaration, for 19.5 hours @ \$240/hr for legal services in connection with the sale of the real property and release of the creditor's claim) (Also see additional declaration filed 12-11-13.)	
✓	<b>CI Report</b>		
✓	<b>9202</b>		
✓	<b>Order</b>	<b>Distribution pursuant to intestate succession and Order Authorizing Administrator to Release Obligation Due Decedent in Exchange for Satisfaction of Interest in Estate:</b>	
		Rachel Ben: <u>Approx.</u> \$30,500 plus two guns (per agreement filed 12-11-13)	
		Kathryn Lopez: <u>Approx.</u> \$30,500	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 12-10-13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 7 – Lopez</b>

	<b>TEMP EXPIRES 12-18-13, extended to 1-15-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>GALE BREWER MUNCE</b> , Maternal Great-Grandmother, is Petitioner.	<u>Minute Order 12-18-13</u> : The Court orders that Ms. Munce intervene in the Family Law matter and seek a prompt order. The temporary is extended to 1/15/14. Continued to 1/15/14; Temporary Guardianship Letters extended to 1/15/14.
<b>Cont. from 121813</b>	Father: <b>JAMES PARKER</b> - <i>Objection filed 12-27-13</i> Mother: <b>EDEN LANTIA</b>	<u>The following issues remain:</u>
<input type="checkbox"/> Aff.Sub.Wit.		1. <b>Need Confidential Guardian Screening Form (Mandatory Judicial Council Form GC-212).</b>
<input checked="" type="checkbox"/> Verified		2. <b>Need Notice of Hearing.</b>
<input type="checkbox"/> Inventory	Paternal Grandfather: Joseph Parker Paternal Grandmother: Teresa Parker	3. <b>Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:</b> - James Parker (Father) - Eden Lantia (Mother)
<input type="checkbox"/> PTC	Maternal Grandfather: Curtis R. Lantia Maternal Grandmother: Jennifer Lantia - <i>Consents and waives notice</i>	4. <b>Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:</b> - Joseph Parker (Paternal Grandfather) - Teresa Parker (Paternal Grandmother) - Curtis Lantia (Maternal Grandfather)
<input type="checkbox"/> Not.Cred.		5. <b>The Court may require clarification regarding the <u>presently pending</u> family law action. See Local Rule 7.15.7.</b>
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Siblings: Hailey M. Parker (3) and Savanna R. Parker (5)	
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Conf. Screen	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Letters	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Duties/Supp	<b>Petitioner states: [REDACTED FOR POSTING]</b>	
<input checked="" type="checkbox"/> Objections	<b>Court Investigator Dina Calvillo filed a report on 12-16-13.</b>	
<input type="checkbox"/> Video Receipt	<b>Objection filed 12-27-13 by James Parker, Father, states</b> he objects to the appointment of Petitioner as guardian because there is no basis for that appointment. The child is not in danger with the father. Objector states he was not provided with ANY notice of these proceedings, including the temporary or general hearings, and there is a current custody order in effect through the Family Law Court. Since the entry of the order in the Family Law matter, the parents have agreed that the existing order in that case should be modified. The parents agree that there is no basis for guardianship and Objector states the facts set forth in the petition are false. Had he been served with process he would have appeared to contest the temporary appointment. After a full review of this matter, the Court will also see that Petitioner cannot provide proper care of McKenzie and Objector asks that the petition be denied and that the issue of custody of McKenzie be dealt with in the ongoing Family Law proceeding between the parents.	
<input type="checkbox"/> CI Report	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Clearances	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff. Posting		<b>Reviewed by:</b> skc
<input type="checkbox"/> Status Rpt		<b>Reviewed on:</b> 1-13-14
<input checked="" type="checkbox"/> UCCJEA		<b>Updates:</b>
<input type="checkbox"/> Citation		<b>Recommendation:</b>
<input type="checkbox"/> FTB Notice		<b>File 11 – Parker</b>

<b>Age: 96</b> <b>DOB: 01/22/1917</b>		<b>JULIE CARTER and FORREST LANE</b> , daughter and son, were appointed Co-Conservators of the Person and Estate on 03/29/04. Letters of Conservatorship were issued on 05/18/04.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>CONTINUED FROM 11/06/13</u></b> <b>Minute Order from 11/06/13 indicates that there were no appearances.</b>  1. Need Fourth Account and Report of Conservator.
<b>Cont. from 110613</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<b>Third Account and Report of Conservator</b> was approved on 11/01/11.	
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	<b>Minute Order from hearing 11/01/11</b> set this matter for status regarding the next accounting on 11/06/13.	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	<b>Clerk's Certificate of Mailing filed 11/08/13</b> indicates that a copy of the minute order was mailed to Ruth Lind on 11/08/13.	
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 01/13/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 15 – Lane</b>
<input type="checkbox"/>			

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Age: 1</b>		<b>TEMPORARY EXPIRES 01/15/2013</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>JOHN LEDGER</b> , maternal uncle, is petitioner.		<b>The following issues still remain:</b>	
		Father: <b>PEDRO HERRERA</b> , Declaration of Due Diligence filed on 08/06/2013		1. Need Notice of Hearing.	
<b>Cont. from 101513, 111213</b>		Mother: <b>MARY HERRERA</b> Declaration of Due Diligence filed on 08/06/2013		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
	<b>Aff.Sub.Wit.</b>		Paternal Grandparents: Unknown	<ul style="list-style-type: none"> <li>Pedro Herrera (Father)</li> <li>Unless Court dispenses with notice.</li> </ul>	
✓	<b>Verified</b>		Maternal Grandparents: Deceased	Note: Declaration of Due Diligence filed 08/06/2013 states address unknown. <ul style="list-style-type: none"> <li>Mary Herrera (Mother)</li> <li>Unless Court dispenses with notice.</li> </ul>	
	<b>Inventory</b>		<b>Petitioner states:</b> Absent parents. No other known relative is willing to take and provide.	Note: Declaration of Due Diligence filed 08/06/2013 states address unknown.	
	<b>PTC</b>		<b>Court Investigator Dina Calvillo's report filed 10/07/2013.</b>	3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for :	
	<b>Not.Cred.</b>			<ul style="list-style-type: none"> <li>Paternal Grandparents (Unknown)</li> </ul>	
	<b>Notice of Hrg</b>	x		4. UCCJEA does not provide child's residence since birth.	
	<b>Aff.Mail</b>	x		<b>Reviewed by:</b> LV	
	<b>Aff.Pub.</b>			<b>Reviewed on:</b> 01/13/2014	
	<b>Sp.Ntc.</b>			<b>Updates:</b>	
	<b>Pers.Serv.</b>	x		<b>Recommendation:</b>	
✓	<b>Conf. Screen</b>			<b>File 18 - Herrera</b>	
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
✓	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
✓	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				